

STANDING CHAPTER 13 TRUSTEE ALEJANDRO OLIVERAS RIVERA
REPORT OF ACTION TAKEN
MEETING OF CREDITORS

In re:

SANDRA JEANNETTE MENDEZ GONZALEZ

Case No. 21-01425-EAG

Chapter 13

Attorney Name: JOHANNE A CORTES TORRES*

I. Appearances Debtor <input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent Joint Debtor <input type="checkbox"/> Present <input type="checkbox"/> Absent Attorney for Debtor <input checked="" type="checkbox"/> Present <input type="checkbox"/> Absent <input type="checkbox"/> Prosec <input type="checkbox"/> Appearing:	Date & Time: 6/16/2021 2:05:00AM <input checked="" type="checkbox"/> R <input type="checkbox"/> NR LV: 0.00 <input checked="" type="checkbox"/> This is debtor(s) 2 Bankruptcy filing. Creditors: <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"><u>Department of Treasury by Ms. Carla Rodriguez</u> <u>Banco Popular de Puerto Rico by Mr. Felipe Marrero</u> <u>First Bank by Ms. Ivelisse Romero</u></div>
II. Oath Administered <div style="text-align: center;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</div>	
III. Plan Date: 05/05/2021 Base: \$40,500.00 Payments 1 made out of 1 due. Confirmation Hearing Date: 7/9/2021 2:30:00PM Evidence of Pmt shown:	
Attorney's fees as per R. 2016(b) \$4,000.00 - \$500.00 = \$3,500.00	
IV. Status of Meeting <input checked="" type="checkbox"/> Closed <input type="checkbox"/> Not Held <input type="checkbox"/> Held/Continued <input type="checkbox"/> Held/Not Closed <input type="checkbox"/> Continued Continued Date: Comments:	
 <input type="checkbox"/> M.T.D. to be filed by Trustee: Debtor(s) failed to: <input type="checkbox"/> Appear: <input type="checkbox"/> Commence payments <input type="checkbox"/> Keep payments current <input type="checkbox"/> does (do) not qualify as a debtor (§109): <input type="checkbox"/> MTD Already filed, see Docket: <input type="checkbox"/> Other:	

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(Cont.)

Trustee's Report on Confirmation

☐ FAVORABLE

☒ UNFAVORABLE

☐ Feasibility

☐ Insufficiently funded

☐ Unfair discrimination

☐ Fails disposable income

☐ Fails liquidation value test

☐ Insuarence quote

☐ No provision for secured creditor(s)

☐ Tax returns missing

☐ State - years

☐ Federal - years

Pending/Items/ Documents:

☐ DSO Recipient's Information

☐ Evidence of being current with DSO

☐ Evidence of income

☐ Monthly reports for the months

☐ Public Liability Insurance

☐ Premises

☐ Vehicle(s):

☐ Licenses issued by:

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Trustee's objection to confirmation

☐ Objection to Confirmation

☐ Oral objection by creditor

ACP: 5

Household size: 5

Disp. Income under 1325(b)(2): $414.66 \times 60 = \$24,879.60$

ID (Lic): OK

SS: OK

W/S: OK

TX/SC-2781 (years submitted), to confirm OK when be revised. All missing

Nmar,

Employment: (Sales associate at AT&T Liberty, 17 years). Child Support.

Plan: $\$500 \times 30$; $\$850 \times 30 = \$40,500$.

G.U. 0%

1. OTHER:

a. Part 1.3 of the plan was checked as included and not included at the same. Trustee hereby notes that part 8 of the plan was checked but said part includes a non-standard provision.

b. Schedule "J" disclose in addition to the mortgage payment of \$766 with Oriental bank another mortgage or rent expense of \$750, however, Schedule D just include one mortgage creditor and Schedule "G" does not disclose any rent agreement.

c. Part 5.1 of the plan does not disclose unsecured pool of \$24,879.60. Amount should be disclosed in first line of the mentioned part.

d. Part 3.1 of the plan does not disclose amount of monthly payment to be pay to First Bank by the debtor. Also, pre-petition arrears was not included.

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e. Debtor does not receive DSO payment, the amounts disclosed at schedule I are included by mistake as testified.

Amend schedule I to delete said income and schedule J to make proper adjustments.

2. FAILS DISPOSABLE INCOME TEST, §1325(b)(1)(B):

a. Evidence of income is missing: November and December 2020 as part of the 6 months prior filing. Trustee hereby notes that debtor provided bank statements for both months, however deposits are only the net income. Thus, pay-stubs for the mentioned months are needed to review the gross income.

b. Plan does not comply with unsecured pool of \$24,879.60 since it is insufficiently funded. Once debtor provides complete paystubs we can determine if amounts disclosed in SCMI are final.

c. Debtor currently pays rent over property she lives in, however, she intends to move back to her primary residence at Sabana Grande. She expects to move in the next 30 days. Once moved, she no longer will have the expense for rent. Thus, the same should be deleted from schedule J.

d. Department of Treasury informs that a priority claim for \$831.31 will be filed. Trustee notes that plan does not provide for priority payment of any kind. Amend plan accordingly.

e. First Bank states that it debtor has a pre petition arrear over the vehicle that is not being accounted for. Debtor will amend plan to provide for payment of this arrear,

3. §522 EXEMPTIONS:

Exemption pursuant 522 (d)(5) in the amount of \$12,829.68 was used over a real property with no equity. An objection to exemption will be filed.

4. PLAN IS INSUFFICIENT FUNDED, §1325(b):

Plan is insufficiently funded to pay secured creditors Oriental Bank and First Bank.

NOTE:

Creditor First Bank's states that credit card debt has not been disclosed in the schedules, however, POC 1 was filed by creditor.

The following party(ies) object(s) confirmation:

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s/Pedro R Medina

Date: 06/16/2021

Trustee/Presiding Officer

(Rev. 05/13)